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## RAVALLI COUNTY ZONING REGULATIONS

### SECTION 1. PURPOSE AND INTRODUCTION

In contrast to the Ravalli County Growth Policy Countywide zoning is regulatory in nature. These regulations are a major tool to be used in County land use planning. They are authorized by state statutes (MCA 76-2) and provide the local government a means to plan for and manage growth in Ravalli County. They are in compliance with the Growth Policy and are based upon Constitutional authority.

All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.

Article II, Section 3, Montana Constitution.

The state and each person shall maintain and improve a clean and helpful environment in Montana for present and future generation.

Article IX, Section 1, Montana Constitution.

These statements serve not only as the primary foundation for the Ravalli County Growth Policy but they provide the County Government with the authority, along with the statutes, for zoning regulations to manage and plan for County growth.

### SCOPE

The Ravalli County Growth Policy created a comprehensive set of long-range goals and goal related policies to guide future growth and development. Countywide zoning regulations defines where growth should occur, outlines zoning districts, establishes categories of appropriate land use, prescribes densities of residential and other units and provides, as required by law, a Board of Adjustment to handle matters of administration, counsel and appeals. These regulations provide an increased level of predictability to land owners, neighbors and developers about where and how growth can be accommodated.

The zoning regulations as presented here is a regulatory document but it must recognize and respect individual private property rights. Consistent with federal and state constitutional protections, it does not support any public taking without due process of law.

The County zoning regulations have been prepared to be consistent with, and meet the requirements of, Montana statutes relevant to planning, existent land use and subdivision regulations.

**SECTION 2. COMPONENTS OF ZONING REGULATIONS**

Keep this section?  
not reqd.

**A. Traditional Zoning**

Traditional zoning is the legal method by which the Ravalli County Government can divide the County into use districts (zones), restrict the use of land in the various zones, and impose requirements that the permitted uses must meet. Zoning regulations prevent problems by separating incompatible uses, and foster a good quality and character of development by requiring land uses to meet standards that protect both public and private property owners.

There are two components in traditional zoning, the zoning regulations or text and the zoning map.

**B. Zoning Map**

Because traditional zoning regulates the location of uses and intensity of development, the zoning map, showing the precise boundaries of each use zone, is an essential part of these zoning regulations. The zoning map is based upon the descriptions of current and planned land use, the density of residential housing units, locations of commercial and mixed businesses, access roadways, locations of agricultural lands, wetlands and wildlife areas and floodplains. As shown on the zoning map there are boundary lines outlining assigned use which are enumerated as zoning districts or zones.

**C. Planning Board**

As provided for in state law (76-2-204) the Ravalli County Board of County Commissioners shall require the Ravalli County Planning Board to recommend boundaries and appropriate regulations for the various zoning districts. The Planning Board make written reports of their recommendations to the Board of County Commissioners, but such recommendations shall be advisory only. The Planning Board shall be dedicated to maintaining the intent of countywide zoning as a growth planning tool utilized to implement the Ravalli County Growth Policy.

**D. Board of Adjustment**

As required by state law (76-2-221) the Ravalli County Board of Commissioners shall provide for the appointment of a board of adjustment which will operate as the governing body when the zoning regulations and the zoning map are adopted. The Board of Adjustment will hear appeals regarding administrative decisions on the Zoning Resolution and Zoning Map, variances to the zoning regulations, make special exceptions to the Zoning Resolution in harmony with its general purposes and intents.

**ARTICLE I. ADMINISTRATION AND ENFORCEMENT****SECTION 1. TITLE**

This resolution shall be known and cited as the "ZONING RESOLUTION OF RAVALLI COUNTY, MONTANA."

## SECTION 2. AUTHORITY

This resolution is adopted under the authority of state statutes (MCA 76-2).

## SECTION 3. PURPOSE

- A. The purpose of this ZONING RESOLUTION is to promulgate and adopt such regulations that are:
1. Made in accordance with the growth policy or a master plan, as provided for in 76-2-201(2); and
  2. Designed to:
    - a. lessen congestion in the streets;
    - b. secure safety from fire, panic, and other dangers;
    - c. promote public health and general welfare;
    - d. provide adequate light and air;
    - e. prevent the overcrowding of land;
    - f. avoid undue concentration of population; and
    - g. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
  3. Zoning regulations must be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
  4. Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of the municipality within the jurisdictional area.
- B. Further, the intent of this ZONING RESOLUTION is to:
1. Insure that the land uses of Ravalli County are properly situated to one another, proving adequate space for each type of development, and preventing problems with incompatible uses.
  2. Control the density of development in each area of the County so that property can adequately serviced by such public facilities as roads, schools, recreation and utility systems.
  3. Direct new growth in appropriate areas.
  4. Improve the quality of the physical environment of the County.
  5. Protect and maintain property values.
  6. Preserve and develop the economic base of the County.
  7. Encourage the development of affordable housing.

## SECTION 4. INCORPORATION OF OFFICIAL ZONING MAP

A. Official Zoning Map a part of the Zoning Resolution.

These regulations shall apply to the entirety of Ravalli County exclusive of the incorporated towns and cities of Stevensville (and the extraterritorial zoning area outside of Stevensville?), Pinesdale, Hamilton and Darby and those individual, legally created zoning districts for which regulations had been adopted by the Board of County Commissioners as authorized under Title 76, Chapter 2, part 1, commonly known as Voluntary Zoning Districts, as of the adoption date of these regulations. The zoning districts described in Article \_\_\_\_ shall be applied to the land as shown on the map entitled, "Ravalli County Zoning Map," which shall be certified by the Board of County Commissioners and filed with the Ravalli County Clerk and Recorder. Any amendments to this map shall be adopted in accordance with the procedures described herein.

## SECTION 5. DEFINITIONS

A. Interpretation of certain words.

For the purposes of this Resolution the following conditions and interpretations apply:

1. Words used in the present tense include the future tense.
2. Words used in the singular tense include the plural; words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.
3. The word "person" includes a firm, association, corporation, trust, organization, partnership or company, as well as an individual.
4. The word "lot" includes the words "parcel" or "tract."
5. The word "shall" is mandatory; the word "may" is permissive.

B. The following terms used in this Resolution mean:

**ACCESSORY STRUCTURE OR USE.** The use or structure on the same lot with, and customarily secondary or subordinate to, the principal use structure.

**AFFORDABLE HOUSING.** Housing which has a sales price or rent within the means of a low or moderate income household as defined by local, state or federal legislation. The typical "means threshold" is 30% of median household income for housing costs, including utilities.

**AGRICULTURE.** All aspects of farming or ranching including the cultivation or tilling of soil; dairying; the production, cultivation, growing, or harvesting of agricultural or horticultural commodities; raising of livestock, bees, fur-bearing animals or poultry; and any practices including forestry or lumbering operations, preparation for market or delivery to storage, to market, or to carriers for transportation to market.

**AGRICULTURAL WATER USER FACILITIES.** Those facilities that provide water for irrigation or stock watering to agricultural lands for the production of agricultural products. These facilities include, but are not limited to, ditches, head gates, pipes, and other water conveying facilities.

**AIR QUALITY.** A measure of current air character in a geographic area in which levels of all criteria air pollutants meet the health-based primary standard (national ambient air quality standard as defined by EPA) for the pollutant.

**ALTERATION.** As applied to a building or structure, an alteration includes a change or rearrangement of the structural parts in the existing facilities; or an enlargement or addition on a building or structure; or moving a building or structure from one location or position to another; or any change of supporting members of a building such as bearing walls, columns, beams or girders.

**BED AND BREAKFAST.** Single family residence that offers overnight accommodations and a meal for a daily charge and which also serves as a primary residence of the operator or owner. (Refer to 50-51-102, MCA)

**BUFFER OR BUFFER STRIP.** Open spaces, landscaping, berms, walls, or any combination used to physically separate or screen one land use property from another so as to shield noise, unwanted light or other nuisances. OR A landscaped area intended to separate and partially obstruct the view between uses, serve as an attractive boundary, or both. OR A feature, such as a wall, fence, hedge, berm, or similar feature, used to shield or obscure elements of a development from adjacent sites.

**BUILDING.** A structure having a roof supported by walls or columns, or other supports intended for the shelter or enclosure of persons, animals, or property of any kind.

**BUILDING HEIGHT.** The vertical distance from finished grade to the highest point of a structure for flat roofs, to the deck line for mansard roofs, and to the main heights between eaves and the ridge for gable, hip or gambel roofs.

**CARETAKER'S RESIDENCE.** A single family dwelling located in conjunction with a residential, commercial or industrial land use that requires 24 hour care in order to protect or operate the use.

**CAPITAL FACILITIES.** Land and structures used by the public including fire stations, parks, schools, etc., also called public facilities.

**CLUSTER DEVELOPMENT.** Generally, a land development that concentrates buildings on a portion of a site in order to leave the remainder undeveloped and usable for agriculture, open space and/or natural resource protection.

**COMMUNITY RESIDENTIAL FACILITY.** Any one of the following as defined:

Community group home. Family-oriented residence that is designed to provide residential services for two to eight individuals with severe disabilities and that does not provide skilled or intermediate nursing care; the term does not preclude the provision of skilled or intermediate nursing care by third-person providers. (52-4-202, MCA)

Youth foster home. Youth care facility licensed by the state in which one to six children or youth other than the foster parents' own children, stepchildren, or wards are given food, shelter, security and safety, guidance, direction, and if necessary, treatment. (52-2-602, MCA)

Halfway house. Place and/or building, or portion thereof, which is used or is intended to provide treatment, rehabilitation, and prevention of chemical dependency. (52-24-103, MCA)

Adult foster family care home. Private residence owned by one or more individuals 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged individuals. (52-2-302, MCA)

COMMERCIAL KENNEL. A place, building, or portion thereof, or activity, that is used or intended for housing three (3) or more dogs, cats or other domesticated animals over six (6) months of age or for the purpose of boarding, breeding, training, or sale; the term includes boarding kennels, dog motels, dog training centers; the term does not include animal hospitals, animal grooming parlors, or pet shops.

#### COMMERCIAL USE.

COMPATIBLE USE. Capable of existing together in harmony and/or avoidance of nuisance, noise, viewing or other impacts.

CONDITIONAL USE. A use that is allowed in a specific district if the use meets certain requirements in order to maintain and assure the health and safety of the community and to maintain the character of the district

#### CONDOMINIUM.

COVENANT. A limitation contained in a deed or other document that restricts or regulates the use of the real property.

DAYCARE CENTER. A place and/or building, or portion thereof, that is used or intended to provide day care to 13 or more children (including the operators' children) or persons on a regular basis. (52-2-703, MCA)

DAYCARE HOME. A private residence in which daycare (meaning less than 24 hours per day) is provided for three (3) to twelve (12) children or persons from separate families, including the operators' children, on a regular basis. (52-2-703, MCA)

DEVELOPMENT IMPROVEMENT. Any structure or facility constructed to serve the residents of a subdivision or project, which may include the general public, such as parks, streets and roads, sidewalks, curbs and gutters, street lighting, utilities and systems for water supply, wastewater (sewage) treatment, and disposal and storm water drainage.

**DEVELOPMENT RIGHTS.** The right to develop property, which may be sold, dedicated or transferred. Under transfer of development rights programs, the property owner may keep title to the property after development rights have been transferred and may continue to use the land for non-conforming purposes such as agriculture.

**DWELLING.** A building or portion thereof used for occupancy by one (1) or more families.

**DWELLING UNIT, MULTIPLE FAMILY.** A building used or designed as a residence for three (3) or more families living independently of each other doing their own cooking therein. This shall include apartment house and apartment hotels.

**DWELLING UNIT, SINGLE FAMILY.** A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one (1) family.

**DWELLING UNIT, TWO-FAMILY.** A building designed or occupied exclusively by two (2) families living individually of each other, except that common laundry facilities are allowed.

**EASEMENT.** Authorization by a property owner for another to use, or restriction on the right of the owner to use, all or a portion of the owner's property for a specified purpose.

**FLOODPLAIN.** Any area of land susceptible to being inundated by water from any source.

**GRADE.** The point of elevation of the finished surface of ground at the exterior wall of the building.

**HOME OCCUPATIONS.** Any occupation, professional, enterprise, or similar activity that is conducted on the premises of a residence as an accessory use and that would be compatible in size and scope in a residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

Home occupations must conform to each of the following conditions:

1. They shall be carried on by a member of the resident(s) of the dwelling unit.
2. There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one exterior sign, no larger than six (6) square feet in size, which shall not be mounted on a pole or in the air, and must be placed on the home within four (4) feet of the main entry door.
3. There shall be no exterior storage of materials or variation from the residential character of the principal building.
4. No traffic may be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street. No home occupation, or any required parking for the home occupation, shall use the parking space required for the residence.
5. No vehicles, except those normally used as passenger vehicles, will be used for

the home occupation unless stored or parked elsewhere.

6. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
7. Where a proposed home occupation would not conform to any of the conditions specified above, the home occupation must be reviewed as a conditional use.

## **INDUSTRIAL USE**

**LIVESTOCK.** Horses, cattle, sheep, goats, swine, donkeys and other animals raised as domesticated animals.

**LIGHT POLLUTION.** Usually defined as "unwanted" light that illuminates the night sky as a result of outdoor unshielded light fixtures.

**LOCAL SERVICES.** Public services or facilities that local government is authorized to provide, including but not limited to water supply and sewage treatment facilities, law enforcement, fire protection, emergency services, public health services, educational services and transportation systems.

**LOT.** A parcel or tract of land shown as an individual unit of ownership on a certificate of survey, subdivision plat, deed or other instrument of record.

**LOT COVERAGE.** A measure of land use intensity; it compares the portion of a site that is covered by impervious surface with the overall area of the site.

**MANUFACTURED HOME.** A detached residential dwelling unit, which may consist of two or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, "trailer homes," "house trailers," and "manufactured homes" whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include "modular" or "factory-built buildings" that are fabricated at a factory in accordance with the Uniform Building Code Standards applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation.

**MANUFACTURED HOME PARK.** A tract of land providing two (2) or more mobile home lots/spaces that could be for lease or rent to the general public.

**MITIGATION.** Measures taken to eliminate or minimize impacts of development activities.

**MOBILE HOME.** See MANUFACTURED HOME.

**MOBILE HOME PARK.** See MANUFACTURED HOME PARK.

**MODULAR HOME.** A dwelling unit that is wholly or substantially constructed off-site and transported to the building site for assembly on a permanent foundation and which was



constructed in accordance with the Uniform Building Code, Uniform Mechanical Code, National Electrical Code and Uniform Plumbing Code. This term does not include mobile home or manufactured home.

**NONCONFORMING LOT.** Any lot that at the time of creation, conformed to existing rules and regulations, but is now inconsistent with this regulation.

**NONCONFORMING STRUCTURE.** Any structure that at time of construction or placement, conformed to existing regulations, but is now inconsistent with this regulation.

**NONCONFORMING USE.** Any use of land that at the time of establishment, conformed to existing rules and regulations, but is now inconsistent with this regulation.

**OPEN LAND.** Privately owned undeveloped land that is free of housing or commercial development; land that is not excessively encumbered with human structures.

**OPEN SPACE.** Public land; County, State, or Federal land or water of any size that is free of development, clutter or congestion; public land that is not excessively encumbered with human structures.

**PERMITTED USE.** A use that may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations and standards of such district.

**PLANNING BOARD.** The Ravalli County Planning Board, created pursuant to Title 76, Chapter 1.

**PROPERTY RIGHTS, PRIVATE.** *"Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth a 'personal' right, whether the 'property' in question is a welfare check a home or a savings account. In fact a fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other. That rights in property are basic civil rights has long been recognized." U.S. Supreme Court, Lynch v. Household Corp., 405 US 538, 552 (1972).*

**PUBLIC HEALTH AND SAFETY.** The prevailing healthful, sanitary condition of well-being for the community at large. Conditions that relate to public health and safety include but are not limited to: disease control and prevention; emergency services; environmental health; flooding, fire or wildfire hazards; rock falls or landslides; unstable soils, steep slopes, and other natural hazards; high voltage lines or high pressure gas lines; and air or vehicular traffic safety hazards.

**RECREATIONAL VEHICLE.** A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

**RECREATIONAL VEHICLE PARK.** A tract of land used for public camping where persons can rent a space to park or place camping trailers, pick-up campers, motor homes, travel trailers,

or tents for dwelling purposes.

**RIPARIAN AREAS.** Land that is traversed or bounded by a natural watercourse (river, stream, lake) that includes the vegetative areas that are dependent on the water. A watercourse may be seasonal or intermittent. Riparian areas may be manmade or natural.

**SETBACK.** The horizontal distance between the property line, edge of road easement or other feature, such as a high water line, and any structure.

**SIGN.** Any lettered or pictorial device or structure designed to inform or attract attention.

**STRIP DEVELOPMENT.** Continuous linear commercial development along a highway that has a series of individual accesses and parking areas that may or may not be connected..

**STRUCTURE.** Any permanent or temporary object that is constructed, installed, or placed by man, which requires a location on a parcel of land. It includes buildings of all types, bridges, instream structures, storage tanks, walls, fences, swimming pools, towers, antennas, poles, pipelines, transmission lines, smokestacks, signs, and similar objects.

**SUBDIVIDED LAND.** Land that has been divided under the Ravalli County Subdivision Regulations into defined lots, either improved or unimproved, which can be separately conveyed by sale or lease, and which can be altered or developed.

**SUBDIVISION.** A division of land or land so divided which creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any re-subdivision and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes [76-3-103(14), MCA].

**VARIANCE.** The approved relaxation of the strict application of the terms of these regulations, where owing to special conditions a literal enforcement of the provisions of these regulations will result in an unnecessary hardship, where it will not be contrary to the public interest, and where the spirit of the Resolution will be observed and substantial justice done. OR A grant of relief from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited.

**VOLUNTARY ZONING DISTRICT (VZD).** A planning and zoning district adopted pursuant to 76-2-101, MCA, which includes a petition pursuant to State Law VZDs are regulatory and require that a perimeter of the district be established and that a development pattern for the district be adopted. They focus on land use and the design and intensity of development. The standards set forth in a VSD can be enforced by the County.

**WETLAND.** The land transition between water and land systems where the water table is usually at or near the surface, or the land is covered by shallow water, including swamps, marshes, bogs, riparian areas and vernal pools.

**WILDLIFE.** Animals (including mammals, birds, reptiles, and fish) that exist in their natural environment. These exclude domesticated or tamed species.

**WILDLIFE HABITAT.** The place or area where wildlife naturally lives or travels through.

**YARD SETBACK.** The area on a lot that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided here in. The setback area is measured from the lot line or the edge of a road easement for a road fronting the lot, whichever results in the greater distance.

**YARD SETBACK, FRONT.**

**YARD SETBACK, REAR.**

**YARD SETBACK, SIDE.**

**ZONING DISTRICT.** A zoning district is adopted pursuant to MCA 76-2-201 through 76-2-228 and it describes a geographical area as delineated on the zoning map for which requirements for the use of land and structures and development standards are prescribed in the zoning regulations.